

In The Matter Of:
United States vs.
PFC Bradley E. Manning

UNOFFICIAL DRAFT - 8/6/13 Morning Session
Vol. 29
August 6, 2013

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VOLUME XXIX

IN THE UNITED STATES ARMY

4 UNITED STATES

5 | vs.

6 MANNING, Bradley E., Pfc.

COURT-MARTIAL

7 U.S. Army, xxx-xx-9504

8 | Headquarters and Headquarters Company,

9 U.S. Army Garrison,

10 | Joint Base Myer-Henderson Hall,

11 | Fort Myer, VA 22211

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The Hearing in the above-titled matter was
on Tuesday, August 6, 2013, at 10:00 a.m., at
Maryland, before the Honorable Colonel
, Judge.

DISCLAIMER

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13 may contain court reporting outlines that are not
14 translated, notes made by the reporter for editing
15 purposes, misspelled terms and names, word combinations
16 that do not make sense, and missing testimony or
17 colloquy due to being inaudible by the reporter.

1 APPEARANCES:

2

3 ON BEHALF OF GOVERNMENT:

4

MAJOR ASHDEN FEIN

5

CAPTAIN JOSEPH MORROW

6

CAPTAIN ANGEL OVERGAARD

7

CAPTAIN HUNTER WHYTE

8

CAPTAIN ALEXANDER von ELTEN

9

10 ON BEHALF OF ACCUSED:

11

DAVID COOMBS

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CAPTAIN JOSHUA TOOMAN

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MAJOR THOMAS HURLEY

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PROCEEDINGS

(No Audio.)

3 MR FEIN: 637 is the Government's response
4 to the defense's objection to RCM 1001(b)(4) dated 5
5 August 2013.

16 THE COURT: Once again, before we begin,
17 counsel and I had and RCM 802 conference before coming
18 on the record today, that's a conference where the
19 parties and I discuss scheduling and other logistics in
20 the case, and Mr. Coombs gave me the defense witness
21 list and also advised that for CONUS witnesses you

1 don't have any objections if they're telephonically; is
2 that correct?

3 MR. COOMBS: That is correct, Your Honor.

4 THE COURT: I assume the parties are
5 coordinating making sure any telephonic testimony is
6 ready to go.

7 MR. FEIN: Yes, ma'am, today the United
8 States is going to recount all the witnesses and get
9 all the status and we'll confirm who is CONUS and who
10 is not and who will be available and how to set that
11 up.

12 THE COURT: Again, just a reminder to the
13 Government, I had asked the Government a couple of days
14 ago just to ensure that they look at the redacted
15 MRE505G filings to ensure that the Government has
16 assured the Court that they will not use anything that
17 was redacted in any of those filings in your sentencing
18 case or in their case at all.

19 MR. FEIN: Yes, ma'am, that's an ongoing
20 process and the United States intends to have it
21 completed Friday with the last witness to confirm all

1 the witnesses listed or comply or comport with those
2 filings.

3 (Whereupon, judge reads ruling. Ruling
4 located on FOIA reading room.)

5 THE COURT: Is there anything else we need
6 to address with either of these two motions?

7 MR. COOMBS: No, Your Honor.

8 MR. FEIN: No, ma'am.

9 THE COURT: Do we need a recess before we
10 call the witness or are we ready to go?

11 MR. FEIN: We're ready.

12 MR. MORROW: United States calls Major
13 General Michael Nagata.

14 Sir, if you could approach the witness
15 stand and face me and raise your right hand.

16 Whereupon,

17 MAJOR GENERAL MICHAEL NAGATA,
18 called as a witness, having been first duly sworn to
19 tell the truth, the whole truth, and nothing but the
20 truth, was examined and testified as follows:

21 EXAMINATION BY MR. FEIN:

1 Q Thank you, sir. Please have a seat.
2 Sir, you are Major General Michael Nagata,
3 Commander United States Special Operations Command
4 Central, MacDill Air Force Base, Florida?

5 A That's correct.

6 Q Sir, when did you assume command of, I'm
7 going to say US SOC-CENT?

8 A I took command approximately five weeks
9 ago.

10 Q So June 2013?

11 A That's correct.

12 Q Sir, describe your duties as the commander?

13 A As the commander of SOCCENT I commanded the
14 special operations forces assigned to US Central
15 Command and I'm responsible to the commander of SOCCENT
16 for conducting special operations activities that
17 support his campaign goals and objectives.

18 Q Does that include all the services?

19 A It is a joint command so I have
20 representatives from all the services.

21 Q Sir, if you would just briefly describe the

1 region of Central Command?

2 A Central Command encompasses countries that
3 range from the Middle East to the Central Asian states
4 to what we generally refer to as South Asia including
5 Pakistan.

6 Q Sir, where were you assigned prior to
7 command of US SOCSENT?

8 A Prior to my command tenure now I spent
9 approximately 18 months as an officer on the Joint
10 Staff in the Pentagon.

11 Q And, sir, what were you doing on the Joint
12 Staff? What was your portfolio so to speak?

13 A I was a member of the J3 operations
14 director of the Joint Staff. In that capacity I was a
15 deputy director within the operations directorate. My
16 specific function was entitled the deputy director for
17 special operations and counterterrorism.

18 Q And, sir, who did -- I assume you provided
19 advice to the J3 and who else were you providing advice
20 to in that capacity?

21 A In that capacity I provided my military

1 advice about two subjects, special operations and
2 counterterrorism to the J3 of the Joint Staff, the vice
3 chairman and the chairman of the chairman of the Joint
4 Staff.

5 Q And, sir, in that position what were your
6 day-to-day responsibilities generally?

7 A My day-to-day responsibilities generally
8 involve two functions. One as I just referenced was
9 providing my best military advice to those three senior
10 officials. I also worked as a day-to-day matter on all
11 plans, policies, directives and orders that affected or
12 that were connected with the employment of special
13 operations and counterterrorist capabilities in the
14 department.

15 Q Sir, in layman's terms what is the
16 difference between special operations and general
17 purpose force operations?

18 A Special operations forces are drawn from
19 all the services of the United States military and they
20 are specifically trained, organized and equipped to
21 conduct specific missions that are associated with the

1 legislation that created US special operations command
2 in the late 1980s. These are a mission such as
3 counterterrorism, foreign internal defense,
4 unconventional warfare, special reconnaissance.

5 As a general rule these involve small
6 elements, small teams with unique military capabilities
7 that sometimes operate behind enemy lines, almost
8 always operate in high risk areas for the purpose of
9 achieving military goals.

10 Q Sir, if you would just describe what you
11 mean by foreign internal defense and special operations
12 forces roles in that?

13 A Foreign internal defense is not exclusively
14 the domain of special operations forces but it is
15 something that special operations forces conduct around
16 the world in order to facilitate the creation of
17 improved military capabilities and capacity within
18 those nations that are allies or partners of the United
19 States.

20 Q Sir, prior to assuming your position on the
21 Joint Staff, where were you assigned?

1 A Prior to reporting to the Joint Staff I was
2 in the country of Pakistan. I was the deputy chief or
3 deputy commander of the Office of the Defense
4 Representative to Pakistan.

5 Q And how long were you in that position,
6 sir?

7 A I was in that position for 26 months.

8 Q July 2009 to September 2011 approximately?

9 A That is correct.

10 Q Sir, I'm going to use the acronym ODRP from
11 here on out to refer to the Office of Defense
12 Representative Pakistan. Is that okay?

13 A Yes.

14 Q Sir, are you here today to discuss your
15 operations and experiences while assigned to deputy of
16 operations ODRP from Pakistan 2009 to 2010?

17 A I am.

18 Q Before we discuss that specific topic, sir,
19 I'd like to talk briefly about your career. When did
20 you join the Army?

21 A I joined the army in 1981.

1 Q You were initially enlisted, sir?

2 A I was.

3 Q When were you commissioned?

4 A I was commissioned in 1982.

5 Q What was your branch?

6 A I was infantry officer initially.

7 Q I assume you received the standard training
8 for infantry officer?

9 A I did, indeed.

10 Q When did you switch over to the special
11 forces community?

12 A I volunteered and attended the Army Special
13 Forces Qualification course in 1984 and I've remained
14 in the special operations field since that time.

15 Q Sir, if you would, can you just describe
16 generally sort of the types of jobs you've had in the
17 special forces field or community?

18 A Certainly.

19 I have spent a great deal of my career,
20 subsequent to 1984, in Army special forces units of
21 various types, predominantly the first special forces

1 group headquartered in Ft. Lewis, Washington. I also
2 had a battalion deployed to Okinawa. I served in all
3 the battalions of the special forces group.

4 I served as a detachment commander, company
5 executive officer, battalion executive officer. And I
6 was also the group operations officer in the 1990s.

7 I have spent a great deal of my career in
8 classified assignments, specialized operations
9 organizations and activities that conduct classified
10 military operations, but again for the same purposes as
11 I alluded to earlier, to achieve combatant command
12 goals and objectives.

13 Q Sir, did you have command positions in
14 those special positions?

15 A I did indeed serve at command levels as
16 both a major, lieutenant colonel and a colonel.

17 Q Just for background, the special forces
18 group is focused on the Asia region?

19 A That is correct.

20 Q Sort of that time period, did you have any
21 special schooling, not special schooling, but did you

1 attend the National War College or any other additional
2 civilian education or military education?

3 A I did. I had professional military
4 education at virtually every rank as is prescribed in
5 the Army professional -- professional development
6 process. I also attended a number of special
7 operations unique courses, training programs and
8 educational programs.

9 Q Sir, what about sort of nontraditional
10 jobs? For example, have you worked at the Pentagon in
11 sort of a policy capacity or something similar?

12 A I have. I think the two most significant
13 jobs that I had that took me out of the corps special
14 operations career path were in 2003 to 2005 I was a
15 staff officer in the Office of the Secretary of
16 Defense, specifically I worked for the Under Secretary
17 of Defense for Intelligence.

18 I also spent a tour of duty detail to an
19 agency, another agency of the Government where I
20 conducted a classified assignment.

21 Q Sir, when you were working for the Under

1 Secretary of Defense for Intelligence, what was your
2 position or responsibilities or even your portfolio in
3 that position?

4 A My portfolio generally contained two broad
5 compartments. The first one that I advised the Under
6 Secretary and his senior staff about activities where
7 the functions and personnel and capabilities involved
8 in military intelligence were integrated with the
9 activities of special operations forces.

10 The second major responsibility I had, I
11 was the lead officer in the Under Secretary staff for a
12 major effort to reform military intelligence practices
13 in the department.

14 Q Sir, during your career approximately how
15 many deployments have you, how many times have you
16 deployed?

17 A I don't have a precise number. My guess is
18 I have well over two dozen deployments overseas.

19 Q Did those deployments include deployments
20 to Central Asia and Pakistan as well?

21 A They did.

1 Q Sir, I want to go back to your work as a
2 deputy chief for operations at the ODRP. Again, you
3 were in that position for 26 months?

4 A That's correct.

5 Q And was it unusual to be assigned to that
6 job for longer than a year or up to 26 months?

7 A Yes, it was unusual. I was originally
8 informed that my assignment would be a year long
9 deployment. After arriving in Pakistan and
10 understanding the scope, scale and difficulty of the
11 mission we had there, I volunteered to extend and I
12 ended up staying for 26 months.

13 Q And where were you physically located or
14 assigned while you were working at the ODRP?

15 A I was physically located at the U.S.
16 Embassy which is within the diplomatic enclave of the
17 capital city of Islamabad, the headquarters of ODRP and
18 my commander were all co-located together at the U.S.
19 Embassy.

20 Q Sir, I don't think we have discussed this
21 yet but what is the mission of the ODRP?

1 A The mission of the ODRP had three broad
2 components. One was to represent the United States
3 military as part of the US country team or U.S. Embassy
4 there in Islamabad. Obviously in all embassies there's
5 some form of military component because there are also
6 military-to-military relationships with those nations.
7 That was one.

8 Number two, we had a security assistance
9 program with the Pakistan military which is a fairly
10 routine practice out of many of the embassies around
11 the world wherein we provide assistance to the host
12 nation's military.

13 We also had a specific counter-insurgency
14 support mission that we were doing under military
15 combatant authorities where we were providing training,
16 advice and assistance to those Pakistan military
17 organizations that were conducting combat operations
18 against violent extremist organizations that threatened
19 the Pakistani state.

20 Q Sir, do we have comparable offices to the
21 ODRP in other countries?

1 A We do. Not all of them have the same kind
2 of name. Often they're called Offices of Military
3 Cooperation or Defense Attaché Office. We had all
4 those functions within ODRP.

5 What probably made ODRP a little unusual
6 was the scope and scale of our activities because the
7 relationship with Pakistan had developed to the point
8 that we were providing significantly greater quantities
9 of all three of the functions that I just described
10 than we would in most countries that people are
11 generally familiar with.

12 Q Sir, what is it about our relationship with
13 Pakistan that resulted in the decision to set up the
14 ODRP there, can you describe that process?

15 A I can.

16 There had been a Defense Attaché Office,
17 some form of a security cooperation office for years.
18 But the coalescing of ODRP, as I just described, did
19 not occur until approximately early 2009 when the
20 Central Command commander, Vice Admiral LeFever,
21 decided that we needed a much more robust organization

1 that was specifically tailored to directly support the
2 Pakistan military that had begun significant combat
3 operations against violent extremist organizations,
4 specifically Taliban forces that existed in the border
5 areas between Afghanistan and Pakistan.

6 Obviously these were the same kinds of
7 enemies that the coalition forces, ISAF and Afghans
8 were fighting in Afghanistan so the CENTCOM commander
9 decided that it was in CENTCOM's interest and in the
10 nation's interest, and in the Pakistani's interest as
11 well, to support them more aggressively and strongly in
12 their military operations against the Taliban.

13 Q Sir, you mentioned the chief of the
14 commander of ODRP was Vice Admiral LeFever?

15 A That's correct.

16 Q Did Vice Admiral LeFever have a background
17 in special operations?

18 A He did not. Vice Admiral LeFever is a
19 surface warfare officer of the United States Navy.

20 One of the reasons that I was assigned to
21 the ODRP was we had a growing special operations

1 presence in Pakistan, which the Pakistan military had
2 requested and I was sent there to provide a, to provide
3 the benefit of my own experience, my own affiliation
4 with the special operations community.

5 Q Sir, how did your duties as the deputy
6 chief or deputy commander of ODRP differ from what your
7 boss was doing day-to-day or how did they overlap?

8 A They overlapped significantly. As his
9 deputy commander, obviously I would have the
10 responsibility one would normally associate with a
11 deputy commander. Whenever he was absent, I was
12 responsible for the functions of the organization. I
13 assisted him in all of his various advisory staff and
14 command functions. But as I just alluded to, because I
15 come from the special operations community, what he
16 asked me to do was focus on the application of special
17 operations forces, special operations capabilities that
18 were supporting the Pakistan military and their combat
19 operation.

20 Q Sir, is it fair to say that in your role as
21 deputy chief you had oversight over everything that was

1 happening with respect to special operations in
2 Pakistan in that timeframe?

3 A I did.

4 Q Sir, can you describe your contact with
5 your Pakistani counterparts and their military, how
6 that worked and your relationships?

7 A I can.

8 First of all, my contact with my Pakistan
9 military counterparts was frequent. I was generally
10 either visiting their general headquarters in the
11 capital or visiting some of their field headquarters
12 several times a week. I was interacting with everyone
13 from the Chief of Army Staff, all the way down to
14 division and brigade level commanders, depending on the
15 function and depending on the activities of that
16 particular period of time.

17 Qualitatively, I would characterize all my
18 activities as being to ensure that the support we were
19 providing them, that they had requested, was as
20 effective as possible.

21 So whether it was training, advising or

1 assisting, what I was constantly attempting to solicit
2 from my Pakistani counterparts is to what degree they
3 were satisfied, to what degree they were actually
4 becoming more effective as a result of our support.

5 Q Sir, you said you interacted with your
6 Pakistani counterparts several times a week?

7 A That's correct.

8 Q What service in the Pakistani military did
9 you primarily interact with?

10 A The bulk of my interactions were with the
11 Army of Pakistan. It is the single largest service in
12 the Pakistani armed forces. It was conducting the vast
13 preponderance of the counter-insurgency operations
14 against the Taliban and violent extremist
15 organizations. I did frequently engage with the other
16 services but it -- the interaction I had with the Army
17 was orders of magnitude larger.

18 Q Sir, why is our relationship with your
19 Pakistani partners, in particular the Army, important
20 to our national security ultimately?

21 A It is important for a number of reasons.

1 Previously I alluded to the fact that in
2 many ways the Pakistan military is combating the same
3 violent extremist enemy in the border areas between
4 Afghanistan and Pakistan that the NATO coalition, US
5 forces and Afghan forces are combating inside
6 Afghanistan.

7 It's well-known that the border is porous
8 and this adversary has the ability to flow back and
9 forth across that border with a great deal of impunity.
10 So anything we can do to support the Pakistan
11 military's effectiveness against this enemy is an
12 advantage for the forces that are fighting in
13 Afghanistan.

14 It is also important because Pakistan is a
15 nuclear armed state but it is under significant threat
16 from violent extremist organizations and it is in the
17 interest of the United States to ensure that Pakistan
18 remains a stable and secure state to prevent a
19 connection being established between terrorists and
20 violent extremist organizations and their nuclear
21 arsenal.

1 Thirdly, it is well-known that there has
2 been a long history of armed confrontation and great
3 tension between Pakistan and India.

4 India is one of the largest trading
5 partners of the United States, as well as globally it
6 is a rising power. Anything that destabilizes the
7 relationship between Pakistan and India is, can have an
8 affect on US national interest. And the more peaceful,
9 the more stable, the more fruitful that relationship
10 between those two nations are, the better off United
11 States interests are regionally.

12 Q Sir, if you could, in an unclassified
13 manner, how are we assisting the Pakistanis with their
14 securities efforts in their country?

15 A We had a very large and robust program for
16 providing the assistance I will describe.

17 We were providing, as a matter of formal
18 security assistance, a great deal of equipment,
19 resources and training to the Pakistan military
20 broadly: Army, Air Force, Navy, Marines. Not all of
21 it was being used to support the counter-insurgency

1 effort in the northwest but the vast preponderance of
2 it was.

3 Secondly, as I've already described, we had
4 a growing population of US special operations personnel
5 that have been brought to Pakistan at the Pakistani's
6 request to provide direct support to their combat
7 formations that were engaging with violent extremist
8 organizations preponderantly in the northwest of the
9 country in two specifics provinces, one used to be
10 known as the old northwest province Khyber Pakhtunkhwa
11 and also the FATA, Federally Administered Tribal Areas.
12 Right along the border with Afghanistan.

13 The scale of both of these forms of
14 assistance and support had grown steadily in the years
15 prior to my arrival and grew steadily in the first year
16 and a half of my tenure at ODRP.

17 Q Sir, in October and November of 2010, how
18 would you characterize your relationship and our
19 relationship with the Pakistani military? Was it a
20 positive one?

21 A It was a very positive trajectory at the

1 time. It was not without problems. It was not without
2 difficulties. It was not without friction. But in
3 general it was a positive trajectory and increasingly
4 so.

5 This is true for two reasons: First of
6 all, the Pakistani military and Government were
7 becoming increasingly aware that the struggle that they
8 had with violent extremist organizations, primarily in
9 the northwest of their country, was becoming an
10 existential threat to the survival of the nation and
11 they recognized that they needed help.

12 The second reason was because as you
13 probably recall in the summer and fall of 2010 there
14 was a massive humanitarian crisis in Pakistan as the
15 result of the worst flood the country had ever
16 experienced since it was established in 1947.
17 Approximately 20 percent of the country, of the land
18 mass of Pakistan was submerged under water as a result
19 of this flood.

20 For approximately three months the United
21 States Government and the United States military

1 conducted a massive humanitarian relief operation in
2 Pakistan.

3 My specific duties, aside from being the
4 deputy commander for ODRP, and we were the commander
5 for the humanitarian relief efforts by the US military,
6 I also commanded a battalion-size helicopter force in
7 northwest Pakistan which was one of the worst affected
8 areas by this flood. And we, along with other
9 international partners and in partnership with the
10 Pakistan military, had done a great deal of very
11 difficult work to rescue people from the flood-affected
12 areas, to provide humanitarian relief supplies and
13 augment the Pakistani Government attempts to recover
14 from the flood. My specific task force for example in
15 that 90-day period we recovered over 40,000 Pakistani
16 citizens from the northwest of the country.

17 We were predictably benefiting from a great
18 deal of gratitude and good will that our efforts had
19 earned as a result of that massive flood relief effort.
20 That was contributing to the positive trajectory of our
21 military-to-military relationships. Again, not

1 perfect, not without problems and friction, but it was
2 definitely a positive trajectory.

3 Q Sir, do you recall becoming aware that
4 purported Department of State information had been
5 released publicly in November and December 2010?

6 A I do indeed.

7 Q Without disclosing classified information
8 in an open session, did you observe any impact to the
9 mission of the ODRP in this timeframe as a result of
10 the releases?

11 A I did.

12 MR. FEIN: Your Honor, we would move to a
13 closed session at this time?

14 THE COURT: Defense, do you want to conduct
15 an open cross-examination.

16 MR. HURLEY: No, ma'am.

17 THE COURT: How long of a recess do we
18 need. Before we proceed into closed session, we have
19 another witness that we're going to hear from today; is
20 that correct?

21 MR. FEIN: That's correct.

1 THE COURT: And we'll be hearing from that
2 witness in open session.

3 MR. FEIN: Open and very brief closed
4 session for that witness.

5 THE COURT: Will we have a need to reopen
6 the session for this witness?

7 MR. FEIN: No, Your Honor.

8 THE COURT: So for the public's benefit,
9 what time do you anticipate, again, this is going to be
10 tentative time. It may depend how long various things
11 that need to occur take place.

12 MR. FEIN: May the parties have a moment?

13 Your Honor, we're going to with 13:30 at
14 this time. Of course we'll notify the Court if we need
15 additional time.

16 THE COURT: Why don't we make it 14:00 to
17 ensure that everything that needs to be done is done.

18 MR. FEIN: Fine, Your Honor.

19 THE COURT: All right. This Court is now
20 going to go into closed session. We will reopen the
21 Court on or about 14:00 this afternoon.

1 MR. FEIN: Ma'am, I'm sorry, for the record
2 this closure is pursuant to Appellate Exhibit 550.

3 THE COURT: Thank you. So how long do you
4 need?

5 (Audio off.)

6 (Court in closed session at 10:55 a.m.)

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